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FINANCING OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994

Report of the Fifth Committee (Part II)

Rapporteur: Mr. Ihor V. HUMENNY (Ukraine)

I. INTRODUCTION

1. The previous recommendation made by the Fifth Committee to the General Assembly under agenda item 139 appears in the report of the Committee contained in document A/51/744.

2. The Fifth Committee resumed its consideration of the item at its 67th, 68th and 70th meetings, on 2, 4 and 6 June 1997. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/51/SR.67, 68 and 70).

3. For its consideration of the item, the Committee had before it the report of the Secretary-General on the Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/C.5/51/29/Add.1) and the related reports of the Advisory Committee on Administrative and Budgetary Questions (A/51/7/Add.8 and Corr.1) and the Office of Internal Oversight Services (A/51/789, annex).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/51/L.80

4. At the 70th meeting, on 6 June, the representative of Canada introduced a draft resolution entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/51/L.80), submitted by the Chairman on the basis of informal consultations.

5. At the same meeting, the Committee adopted draft resolution A/C.5/51/L.80 without a vote (see para. 6).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Taking note of the report of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994[1] and the related reports of the Advisory Committee on Administrative and Budgetary Questions[2] and the Office of Internal Oversight Services,[3]

Noting with deep concern the serious problems identified by the Office of Internal Oversight Services in its report,

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[1] A/C.5/51/29/Add.1.

[2] A/51/7/Add.8 and Corr.1.

[3] A/51/789, annex.

Noting also the initial steps taken in response to the report of the Office of Internal Oversight Services, as set out in the report of the Advisory Committee on Administrative and Budgetary Questions,[4]

Concerned that the report of the Secretary-General and the related performance report for 1996 were not available on a timely basis,

Concerned also that the revised 1997 budget proposals were not prepared on a full-cost basis,

Noting that information on the actual annual cost of new posts was not included in the budget proposals,

Noting also that the Secretary-General intends to transmit further reports of the Office of Internal Oversight Services on a periodic basis,

1. Endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution;

2. Notes with concern the shortcomings and deficiencies in the operations of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 reported by the Office of Internal Oversight Services, and requests the parties concerned to ensure the full and immediate implementation of the recommendations of the Office;

3. Requests the Secretary-General to provide such advice and guidance as is required to ensure the effective administrative functioning of the International Tribunal for Rwanda;

4. Also requests the Secretary-General to submit a report on the conditions of service of the judges of the International Tribunal for Rwanda to the General Assembly at its fifty-second session, no later than 30 November 1997;

5. Decides to defer its consideration of the pension entitlements for members of the International Tribunal for Rwanda pending receipt of the report requested in paragraph 4 above, and decides to consider this question in the context of the 1998 budget proposals of the Tribunal;

6. Notes that the full cost of the new posts recommended by the Advisory Committee would add to the appropriations a further annual requirement of 2,218,800 United States dollars net;

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[4] A/51/7/Add.8, annex I.

7. Notes also that the standard salary cost equivalent of the 34 gratis personnel serving with the International Tribunal for Rwanda would amount to 1,729,100 dollars gross for the period from 1 July to 31 December 1997;

8. Stresses the importance of recruiting qualified personnel with the relevant knowledge, skills and experience to perform the responsibilities required under the applicable job descriptions;

9. Requests the Secretary-General to report on the question of the delegation of authority to recruit staff in the Professional category and above in the context of the proposed budget for 1998;

10. Requests the International Civil Service Commission to consider the recommendations of the Advisory Committee contained in paragraph 9 of its report[2] and to report to the General Assembly at the earliest opportunity;

11. Decides that staff of the International Tribunal for Rwanda assigned to Kigali shall continue to be subject to the established compensation and benefit provisions of the United Nations common system pending consideration by the International Civil Service Commission of the question mentioned in paragraph 10 above;

12. Requests the Secretary-General, in submitting budgetary proposals for 1998, to make such recommendations as are required to fulfil the mandate of the International Tribunal for Rwanda as soon as possible;

13. Recognizes the importance of continuing to improve arrangements through which the International Tribunal for Rwanda receives proper guidance and assistance from United Nations Headquarters to implement and enforce the financial rules, personnel rules and all other applicable administrative issuances of the United Nations, and requests the Secretary-General to report thereon to the General Assembly at its fifty-second session;

14. Approves the budgetary recommendations of the Advisory Committee,[2] subject to the provision in paragraph 15 of the present resolution;

15. Notes that an estimated unencumbered balance of 3,600,000 dollars would remain at the end of June 1997;

16. Notes also that the recommendations of the Advisory Committee in paragraph 23 of its report[2] would not provide for all the security resources requested, and decides that, should the need arise, the Registrar would be authorized to redeploy the necessary resources within the overall budgetary provisions of the International Tribunal for Rwanda;

17. Requests the Secretary-General to address the question of security resources, as necessary, in the budget submission for 1998;

18. Decides to appropriate to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such

Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 a total amount of 18,402,500 dollars gross (15,103,700 dollars net) for the period from 1 July to 31 December 1997;

19. Decides also that the appropriation for the period from 1 July to 31 December 1997 under the Special Account referred to in paragraph 18 above shall be financed according to the methodology established by the General Assembly in its resolution 49/251 of 20 July 1995, as detailed in the annex to the present resolution;

20. Decides further that Member States shall waive their respective shares in the remaining credits arising from previous budgets of the United Nations Assistance Mission for Rwanda in the amount of 9,201,250 dollars gross (7,551,850 dollars net), to be transferred to the Special Account for the International Tribunal for Rwanda from the Special Account for the United Nations Assistance Mission for Rwanda;

21. Decides to apportion the amount of 9,201,250 dollars gross (7,551,850 dollars net) among Member States in accordance with the scale of assessments for the year 1997;

22. Decides also that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 21 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,649,400 dollars approved for the International Tribunal for Rwanda for the period from 1 July to 31 December 1997.

ANNEX

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	Net
	(United States dollars)	
Amount required for the period from 1 July to 31 December 1997 as recommended by the Advisory Committee on Administrative and Budgetary Questions in paragraph 40 of its report	22 002 500	18 703 700
Less: Estimated unencumbered balance for the period from 1 January to 30 June 1997	(3 600 000)	(3 600 000)
Balance: Appropriation to be assessed for the period from 1 July to 31 December 1997	18 402 500	15 103 700
Of which: United Nations Assistance Mission for Rwanda[a]	9 201 250	7 551 850
Assessed amounts[b]	9 201 250	7 551 850

[a] Refers to the credits arising from previous budgets of the United Nations Assistance Mission for Rwanda.

[b] Refers to the contributions assessed on Member States in accordance with the scale of assessments for the year 1997.